IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

M.C.A. (REVIEW) NO. 57 OF 2007
IN
WRIT PETITION NO. 2460 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 22, 2007.

The petitioners are seeking review of order dated 29.7.2005 in Writ Petition No.2460 of 2005.

Shri Bhangde, learned Senior Advocate contends that writ petition was heard on merits but the issues raised are not at all considered. Reliance is placed upon the judgment in the case of Indian Charge Chrome Limited vs. Union of India, reported at 2005 (4) SCC 67, particularly paragraphs 13 and 15 to urge that non consideration of points raised is good ground for review. The attention is also invited to judgment dated 8.1.2007 delivered by me in Writ Petition No.4312 of 2006 wherein in paragraph 15, I have made observations about this judgment dated 29.7.2005. It has

been observed by me in said paragraph 15 that the observations made in paragraph 8 of the judgment dated 29.7.2005 cannot be interpreted to mean that this Court has permitted the proceedings under Section 91 of the Maharashtra Cooperative Societies Act, initiated by the petitioners/ applicants herein to proceed on merits. As per judgment dated 29.7.2005, the Cooperative Court decided said dispute and answered it against present petitioners/ applicants on 27.1.2006. Thereafter applicants filed appeal before the Cooperative Court which has also been rejected on 27.7.2006. These two orders were under challenge in Writ Petition No. 4312 of 2006 which has been decided by me on 8.1.2007. While deciding that writ petition, in paragraph 15, above mentioned observations have been made. It is therefore apparent that the prayer for review as sought to be made is clearly by way of after thought. The petitioners – applicants have accepted and acted upon the judgment dated 29.7.2005.

I find that reliance upon the judgment of the Hon'ble Apex Court is, therefore, misconceived. The review application is

accordingly dismissed. No order as to costs.

JUDGE

*GS.